

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Group:

Attorney Docket #.: 3474

In re:

Applicant(s): HOFMANN, A., et al

Serial No.: 10/564,669

Filed: 01/13/2006

For: INSERTION TOOL FOR A MACHINE TOOL

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

November 13, 2008

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Applicant herewith petitions to withdraw the holding of abandonment of the subject application. The subject application was abandoned on July 30, 2008 for failure to timely file a proper reply to an office letter mailed on April 4, 2008.

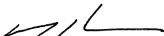
However, the office letter mailed April 4, 2008 gave a two-month period for response. Accordingly, the four months extended period for reply did not expire until August 4, 2008 and therefore the abandonment on July 30, 2008 was incorrect.

Since the abandonment was incorrect, it is believed appropriate to petition to withdraw the holding of abandonment.

In response to the Patent Office communication of April 4, 2008, Applicant now submits herewith a renewed Petition.

It is requested that the application be reinstated, and that the Petition be delivered to the Office of Petitions for consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', written over the printed name.

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner:

Group:

Attorney Docket #.: 3474

In re:

Applicant(s): HOFMANN, A., et al

Serial No.: 10/564,669

Filed: 01/13/2006

For: INSERTION TOOL FOR A MACHINE TOOL

RENEWED PETITION UNDER 37 CFR 1.137(b) AND 37 CFR 1.47(a)

November 13, 2008

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Reference is made to the Decision on Petition dated April 4, 2008.

Reference is further made to the Notification of Abandonment dated July 30, 2008.

However, it is believed that the Notification of Abandonment was improperly issued because the Notification of Abandonment indicated that there was failure to timely file a proper reply to the office letter mailed on April 4, 2008.

However, the four month term for responding to the Notice of Abandonment would not have expired until August 4, 2008.

For this reason, Applicant has caused to be filed a Petition to Withdraw the Holding of Abandonment and this Petition is the required response with respect thereto.

In the decision on papers under 37 CFR 1.42 it has been indicated that the applicants are required to file a Declaration in compliance with 37 CFR 1.497A-B naming the proper inventive entity or a proper change of inventorship and a Declaration in compliance with 37 CFR 1.497 and 1.42.

Applicant herewith submits a Declaration signed by Messrs. Hofmann and Schomisch and Krondorfer. The three available inventors are signing on their own behalf and on behalf of the deceased inventor, Markus Heckmann, a citizen of Germany. The signature is also on behalf of his legal representative, Kersten Heckmann, a citizen of Germany, whose postal address has been given.

It is noted that Kersten Heckmann, the legal representative of Markus Heckmann, is refusing to sign the Declaration on behalf of the deceased, Markus Heckmann.

Attached hereto is a letter written to Mrs. Markus Heckmann which was delivered via FedEx delivery on May 19, 2008.

It is noted that the FedEx was addressed to Mrs. Markus Heckmann and that the document was delivered on May 19, 2008 signed by a person with the name Burfeind, presumably on behalf of Markus Heckmann. No reply has been received.

It is well known that Kersten Heckmann is refusing to sign any documents on behalf of her deceased husband.

In this respect reference is made to Application Serial No. 10/511,285 in which Markus Heckmann was also a co-inventor and in which Kersten Heckmann refused to sign on behalf of the deceased inventor. In that case, it was indicated that a letter to Kersten Heckmann via FedEx adequately demonstrates that a bona fide attempt was made to present a copy of the application papers to Heckmann for signature. Please see also Serial Number 10/554,338.

In the renewed Petition filed on July 31, 2007 of which a copy is attached for ease of reference, it was found that adequate proof therein was submitted that Markus Heckmann lived at the address at the time the delivery was made. Applicant now submits herewith a FedEx receipt dated June 15, 2008 indicating the recipient as Mrs. Markus Heckmann and indicating her correct address.

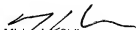
Since she resided at the address on June 15, 2007, it can be assumed that she also resided at the address in May of 2008 when the subsequent letter was

sent to her via FedEx, since this is within one year of her personal signature at the address of record.

It is noted that the two previously named inventors have been dropped as inventors as erroneously included inasmuch as they were not mentioned in the PCT application.

It is therefore respectfully requested that Rule 47 status be given to the subject applications.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael D. Striker', written over the printed name.

Michael D. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743